

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00120

ALEXANDER MARTEL BROWN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 2, 2012, the United States of America appeared by William B. King, II, Assistant United States Attorney, and the defendant, Alexander Martel Brown, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Greg Swisher, the defendant having commenced a thirty-month term of supervised release in this action on March 6, 2012, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 16, 2011.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant violated state and local law inasmuch as on May 31, 2012, he obstructed a law enforcement officer, committed battery on and fled on foot from a law enforcement officer, and operated a vehicle with no operator's license at which time he was also speeding, as evidenced by the defendant's stipulation that the government possesses sufficient evidence to prove the violations by a preponderance of the evidence; (2) that the defendant used and possessed cocaine while a resident of Transitions, Inc. as evidenced by a urine screen submitted by him on April 3, 2012; (3) that the defendant associated with a convicted felon without permission inasmuch as on May 31, 2012, he was in the company of a convicted felon currently under supervision in the Southern District of West Virginia, neither of whom was granted permission by the probation officer for their association; (4) that the defendant failed to abide by the special condition that he reside at Transitions, Inc. for a period of six months inasmuch as he entered the program on March 6, 2012, and was discharged on May 25, 2012, for failure to follow the rules and

regulations of the facility; and (5) that the defendant on May 31, 2012, was in possession of a total of 3.8 grams of marijuana for personal use. It is noted that grounds (2) through (4) above were admitted by the defendant on the record of the hearing and ground (5) is found by the court by a preponderance of the evidence adduced at the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of


the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of eighteen (18) months less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The court recommends that the defendant be designated to FCI Ashland.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 3, 2012



John T. Copenhaver, Jr.
United States District Judge